101-131

Public Law 101-131
101st Congress

An Act

To amend section 700 of title 18, United States Code, to protect the physical integrity of the flag.

Oct. 28, 1989
[H.R. 2978]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Flag Protection Act of 1989.
18 USC 700 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection Act of 1989".

SEC. 2. CRIMINAL PENALTIES WITH RESPECT TO THE PHYSICAL INTEGRITY OF THE UNITED STATES FLAG.

(a) IN GENERAL.—Subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

"(2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.".

(b) DEFINITION.—Section 700(b) of title 18, United States Code, is amended to read as follows:

"(b) As used in this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.".

SEC. 3. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

Section 700 of title 18, United States Code, is amended by adding at the end the following:

"(d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by a United States district court ruling upon the constitutionality of subsection (a).

"(2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.".

[Note by the Office of the Federal Register: The foregoing Act, having been presented to the President of the United States on Monday, October 16, 1989, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become law without his signature on October 28, 1989.]

LEGISLATIVE HISTORY—H.R. 2978 (S. 607) (S. 1338):

HOUSE REPORTS: No. 101-231 (Comm. on the Judiciary).
SENATE REPORTS: No. 101-152 accompanying S. 1338 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Mar. 16, S. 607 considered and passed Senate.
Sept. 12, H.R. 2978 considered and passed House.
Oct. 4, 5, considered and passed Senate, amended.
Oct. 12, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Oct. 26, Presidential statement.

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